



PATENT

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Barbara Lopez
Barbara Lopez

Appl No. : 10/045,184 Confirmation No. 4838
Applicant : Michael A. Pellico
Filed : October 18, 2001
Title : INCREASED PEROXIDE CONTENT TOOTH BLEACHING GEL

TC/A.U. : 1614
Examiner : Shep Rose

Docket No. : 45191/WPC/D279
Customer No. : 23363

**PETITION UNDER 37 CFR 1.181(a) and
MPEP §711.03(c)I**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Post Office Box 7068
Pasadena, CA 91109-7068
September 2, 2003

Commissioner:

In response to the Office Action of August 25, 2003 notifying Applicant that the above-referenced application has been abandoned for failure to timely file a proper response to the Office letter mailed on December 24, 2002, Applicant hereby petitions the Examiner to withdraw the holding of abandonment.

On June 20, 2003, Applicant, through his attorney, filed a response via facsimile to the Action dated December 24, 2002. The filed date fell within the allowable statutory period for responding to the action as it included a request for an automatic extension of time and an authorization to charge Applicant's attorney's deposit account.

Appln No. 10/045,184

Amdt dat S ptemb r 2, 2003

Reply to Office action of August 25, 2003

Enclosed in support of this petition are: (1) a declaration by Barbara Lopez, the person who certified that the response was facsimile-filed on June 20, 2003; and (2) EXHIBIT A, which is a copy of the response filed on June 20, 2003 along with the facsimile transmission receipt.

On a related matter, the Examiner's Summary regarding a filed CIP is not correct with respect to the instant application. Accordingly, Applicant desires to proceed with the Petition to Withdraw the Holding of Abandonment.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By



Tom H. Dao

Reg. No. 44,641

626/795-9900

THD/bl

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